



Bruce Collins  
Vice President and General Counsel

September 14, 1995

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Comments on Digital Audio Radio Satellite Service in the  
2310-2360 MHz Frequency Band; IB Docket No. 95-91;  
GEN Docket No. 90-357

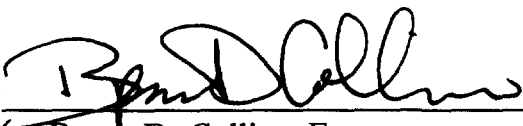
Dear Mr. Caton:

Enclosed are nine (9) originals of National Cable Satellite Corporation's comments in the above-referenced matter.

If you have any questions about these comments, please contact Ms. Elaine Kellish at (202) 626-7959

Respectfully Submitted,

NATIONAL CABLE SATELLITE CORPORATION

By:   
Bruce D. Collins, Esq.  
Corporate Vice President and General Counsel

No. of Copies rec'd 9 originals  
List ABCDE

**C-SPAN**

A PUBLIC SERVICE CREATED  
BY AMERICA'S CABLE  
TELEVISION COMPANIES

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Re: Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band; IB Docket No. 95-91; GEN Docket No. 90-357

Dear Mr. Caton:

This letter contains the comments of National Cable Satellite Corporation, d/b/a C-SPAN ("NCSC") in response to the Notice of Proposed Rulemaking in the above-referenced proceeding.

NCSC is a private non-profit and tax-exempt corporation created by the cable television industry. It is the distributor of two 24-hour video programming services, C-SPAN and C-SPAN 2, which include "live" coverage of the proceedings of both the U.S. House of Representatives and the U.S. Senate, as well as several thousands of hours of other public affairs programming. NCSC also distributes two 24-hour radio services, C-SPAN Audio 1 and C-SPAN Audio 2, which contain the English-language shortwave radio services of several countries.

In setting the groundrules for satellite Digital Audio Radio Service ("DARS"), NCSC urges the Commission to heed the lessons of the past. Rather than further delay or put regulatory handcuffs on this new technology in deference to existing radio broadcasters, the Commission should recognize that the public's interest is well served by favoring competition over protectionism.

C-SPAN and C-SPAN 2 are an example. They are thriving programming services today because the Commission and the Congress deregulated the domestic cable television industry in the late Seventies and early Eighties after decades of law and regulation aimed at preserving the economic status of local broadcasters. The old cable rules halted competition in television. They also halted the innovation that


would later prove to be a great service to the public interest. The development of C-SPAN's unique public affairs programming is only one example of how the public interest can be served by encouraging, rather than by stymieing competition. In the meantime, the broadcast television industry has survived intact, and in many instances has thrived and improved in the face of competition. The Commission's fears that the broadcast television industry would be unable to fulfill its public interest obligation proved unfounded.

Similarly, competition from satellite DARS will not harm terrestrial radio broadcasters to the point that the public interest is harmed. Rather, the public will benefit from new programming and services not otherwise available from local radio because of its market or technical limitations. For example, a satellite DARS provider with a national market and multiple channels is likely to be more willing to distribute a radio version of C-SPAN's long-form public affairs programming than would an advertising-supported local radio broadcaster with one channel. In fact, NCSC has discussed the possibility of such an audio service to complement its video programming. But such an audio service from C-SPAN would not likely get off the ground unless all future potential satellite DARS providers are free of content requirements or other restraints on their operations.

The Commission will consider many separate issues in this proceeding, and it should address them promptly. There has already been too much of a delay in launching satellite DARS. But as the Commission proceeds, it should look to the future and thus to the potential for expanded service to the public interest. Too often the protective regulatory models of the past have failed to serve the best and highest interests of the public. The Commission should not blindly apply those models to the satellite DARS industry.

Respectfully Submitted,

NATIONAL CABLE SATELLITE CORPORATION

By: 

Bruce D. Collins, Esq.  
Corporate Vice President and General Counsel